

REMARKS/ARGUMENTS

Claims 1-25 were previously pending in the application. Claims 1, 15, and 25 are amended; and new claims 26-27 are added herein. Assuming the entry of this amendment, claims 1-27 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

Missing Reference

According to the Examiner's annotation on Form PTO-1449, Reference GD was not considered because, according to the Examiner, the reference was not provided. The Applicant submits that the reference was provided when the IDS was originally filed. In any case, copies of the original IDS and Form PTO-1449 including the stamped return-receipt postcard are filed herewith along with another copy of the lost reference for consideration by the Examiner.

Specification

In paragraph 1 of the office action, the Examiner objected to the abstract stating that it should not contain the title of the invention. In response, the Applicant submits herewith a substitute Abstract, which omits the title of the invention.

Double Patenting

In paragraph 3, the Examiner provisionally rejected claims 1, 15, and 25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of co-pending Application No. 10/730,419. In paragraph 5 the Examiner provisionally rejected claims 7 and 13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of (presumably, although the office action does not state explicitly) co-pending Application No. 10/730,419. In paragraph 7, the Examiner provisionally rejected claims 1, 15, and 25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of co-pending Application No. 10/217,930. In paragraph 9, the Examiner provisionally rejected claims 7 and 13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of (presumably, although the office action does not state explicitly) co-pending Application No. 10/217,930. In paragraph 11, the Examiner provisionally rejected claims 9 and 23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of co-pending Application No. 10/217,930. For a number of reasons, the Applicant submits that these rejections are improper.

For example, rejected claim 13 depends from claim 11, which was not rejected. As such, the rejection of claim 13 is improper.

Since the amendments made by the Applicant to independent claims 1, 15, and 25 overcome the obviousness-type double-patenting rejections (even if they were proper, which the Applicant does not admit), there is no need to discuss the other reasons why these rejections are improper. Note that, if the amendments to independent claims 1 and 15 overcome their obviousness-type double-patenting rejections, then the obviousness-type double-patenting rejections of claims 7, 9, 13, and 23, which depend ultimately from claims 1 and 15, will necessarily also be overcome.

Prior-Art Rejections

In paragraph 14, the Examiner rejected claims 1-2, 8, and 15-16 under 35 U.S.C. 103(a) as being unpatentable over Andrews in view of Blauvelt. In paragraph 21, the Examiner rejected claims 7, 9-10, and 21-25 under Section 103(a) as being unpatentable over Andrews in view of Blauvelt, and further in view of Kim. In paragraph 30, the Examiner objected to claims 3-6, 11-14, and 17-20 as being dependent upon a rejected base claim, but indicated that those claims would be allowable if rewritten in independent form. For the following reasons, the Applicant submits that all of the now-pending claims are allowable over the cited references.

Claims 1, 15, and 25

According to currently amended claim 1, the frequency-dependent phase pre-distortion is based on at least one corresponding phase difference between at least one pair of critical frequencies. Support for the amendment to claim 1 is found, for example, in original claim 4. None of the cited references teach or even suggest such a feature.

As such, the Applicant submits that currently amended claim 1 is allowable over the cited references. For similar reasons, the Applicant submits that currently amended claims 15 and 25 are allowable over the cited references. Since claims 2-14 and 15-24 depend variously from claims 1 and 15, it is further submitted that those claims are also allowable over the cited references.

New Claims 26-27

New claim 26 is equivalent to previously pending claim 3 rewritten in independent form. Since the Examiner stated that previously pending claim 3 would be allowable if rewritten in independent form, the Applicant submits that new claim 26 is allowable.

New claim 27 is equivalent to previously pending claim 17 rewritten in independent form. Since the Examiner stated that previously pending claim 17 would be allowable if rewritten in independent form, the Applicant submits that new claim 27 is allowable.

In view of the foregoing, the Applicant submits that the rejections of claims under Section 103(a) have been overcome.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Respectfully submitted,

Date: 11/14/05
Customer No. 22186
Mendelsohn & Associates, P.C.
1500 John F. Kennedy Blvd., Suite 405
Philadelphia, Pennsylvania 19102

Steve Mendelsohn
Steve Mendelsohn
Registration No. 35,951
Attorney for Applicant
(215) 557-6657 (phone)
(215) 557-8477 (fax)